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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2009-268

ROBIN KELLEY MONROE,
a.k.a. ROBIN K. MONROE
926 S. Christine
Wichita, KS 67218

A C C U S A T I O N

Registered Nurse License No. 654075

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

2. On or about March 8, 2005, the Board issued Registered Nurse License Number 654075 to Robin Kelley Monroe, also known as Robin K. Monroe ("Respondent"). Respondent's registered nurse license expired on February 28, 2007.

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1 License No. 13-087474-012, Respondent's registered nurse license was revoked effective on or
2 about April 1, 2008. A true and correct copy of the Proposed Default is attached as exhibit "A"
3 and incorporated herein by reference. The disciplinary action was based, in part, upon the
4 following conduct of Respondent:

5 a. Respondent diverted drugs while employed by Heartland Research
6 Associates, LLC ("Heartland") (where her personal physician was located in the same building),
7 as follows:

8 i. On October 3, 2005, Respondent's daughter was given a one-time
9 prescription for Lortabs, which was called in by Respondent's co-worker. The same prescription
10 for Lortabs was called in again by the same co-worker and was picked-up on October 6, 2005.

11 ii. On November 1, 2005, Respondent's physician gave her a
12 prescription for Lortabs. Respondent's co-worker at Heartland called in the prescription and
13 gave Respondent the script. Respondent then submitted the written prescription to the same
14 pharmacy on November 4, 2005, and picked up the second prescription.

15 b. On May 23, 2007, Respondent was arrested in Cowley County, Kansas
16 and charged with forgery, a severity level 8 nonperson felony; making a false information, a
17 severity level 8 nonperson felony; possession of Methamphetamine, a severity level 4 drug
18 felony; possession of drug paraphernalia, a class A nonperson misdemeanor; theft of services; a
19 class A nonperson misdemeanor; and criminal use of a financial card, a class A nonperson
20 misdemeanor.

21 c. Respondent failed to maintain an address where she could be contacted by
22 the Board.

23 d. The conduct and circumstances described in subsections (a), (b), and (c)
24 above constitute violations of K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R.
25 60-3-110(d), inaccurately recording, falsifying, or altering any record of a patient or agency or of
26 the board; K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(n), diverting drugs,
27 supplies, or property of any patient or agency; K.S.A. 65-1120(a)(4), to be unable to practice with
28 skill and safety due to current abuse of drugs or alcohol; and K.S.A. 65-1120(a)(6), un-


1 professional conduct by K.A.R. 60-3-110(t), failing to furnish the board, its investigators, or its
2 representatives with any information legally requested by the board.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein
5 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 6 1. Revoking or suspending Registered Nurse License Number 654075, issued
7 to Robin Kelley Monroe, also known as Robin K. Monroe;
8 2. Ordering Robin Kelley Monroe, also known as Robin K. Monroe, to pay
9 the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
10 case, pursuant to Business and Professions Code section 125.3; and
11 3. Taking such other and further action as deemed necessary and proper.

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13 DATED: 4/22/09
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17 RUTH ANN TERRY, M.P.H., R.N.
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant
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ATTN: EXHIBIT A

PROPOSED DEFAULT

BEFORE THE KANSAS STATE BOARD OF NURSING

Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

FILED

MAR 25 2008

KSBN

**IN THE MATTER OF
ROBIN K. MONROE
License No. 13-087474-012**

Case No. 06-150-3, 07-663-6


PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 25th day of March, 2008, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas through 1/31/2008. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order revoking respondent's license. The petitioner's request is granted by default.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per petitioner's request, respondent's license to practice nursing is revoked. Respondent may not practice nursing in Kansas.
6. Costs of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
7. Respondent shall immediately forward his or her original Kansas registered nurse license to the Kansas State Board of Nursing.
8. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

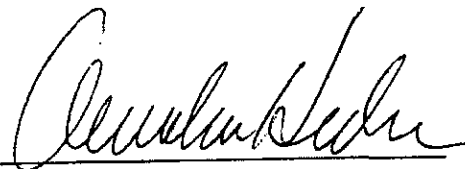
IT IS SO ORDERED.


Sandra L. Sharon, Presiding Officer

NOTICE

This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board within seven days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order. The written motion is to be filed at:


State Board of Nursing - Legal Division
Landon State Office Building
900 SW Jackson, Ste 1051
Topeka, KS 66612-1230


Alma A. Heckler, #11555
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 25th day of March, 2008, the foregoing copy of the Proposed Default Order Revoking License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Robin K. Monroe
926 S. Christine
Wichita, KS 67218


Alma A. Heckler
Assistant Attorney General

FILED

BEFORE THE KANSAS STATE BOARD OF NURSING JAN 04 2008

Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

KSBN

IN THE MATTER OF
ROBIN K. MONROE
License No. 13-087474-012

Case No. 06-150-3, 07-663-6

PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Alma A. Heckler, and for its cause of action states that:

1. Respondent is licensed to practice nursing in Kansas through 1/31/2008. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 926 S. Christine, Wichita, KS 67218.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

FACTS COMMON TO ALL COUNTS

5. The facts below are common to all counts:

(a) Case No. 06-150-3 - The respondent diverted drugs while employed by Heartland Research Associates, LLC, in Wichita, Kansas. The employer and the respondent's physician's office were in the same building. Respondent was prescribed Lortabs by her physician. The respondent's co-worker at Heartland Associates called in a prescription for Lortabs on 11/1/2005 for the respondent. Respondent was given the script and did not destroy the script.

06-150-3 11/1/05

The written prescription for Lortabs was submitted to the same pharmacy on 11/4/2005 and was again issued and picked up.

A prescription for Lortabs was also prescribed for the respondent's daughter on 10/3/2005 and picked up. The respondent's co-worker called it in. The same prescription for Lortabs was called in again by the same co-worker and was also picked up on 10/6/2005. Daughter's medical file was reviewed and again the prescription was for only one time.

(b) Case No. 07-663-6 - The respondent was arrested on May 23, 2007 in Cowley County, Kansas and charged with the following:

Forgery, a severity level 8 nonperson felony;

Making a False Information, a severity level 8 nonperson felony;

Possession of Methamphetamine, a severity level 4 drug felony;

Possession of Drug Paraphernalia, a class A nonperson misdemeanor;

Theft of Services, a class A nonperson misdemeanor; and

Criminal Use of a Financial Card, a class A nonperson misdemeanor.

The charges were filed on or about October 17, 2007 in Cowley County District Court, Case No. 2007-CR-000534-A. The matter is still pending as of the date of the filing of this petition.

(c) The respondent has failed to maintain an address where she can be contacted. The investigator sent notice of the Board decision to refer her cases to the Attorney General's Office for prosecution. The address of record and three other addresses were used by the investigator to make contact. All mail was returned as undeliverable.

VIOLATIONS

6. Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(n), diverting drugs, supplies, or property of any patient or agency.

Count 3: K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

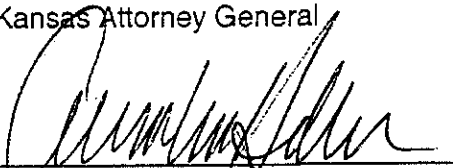
Count 4: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(t), failing to furnish the board, its investigators, or its representatives with any information legally requested by the board.

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that respondent's license to practice nursing in Kansas be revoked, and that costs of this action be assessed to the respondent in the amount of \$70.00.

Respectfully submitted,

Paul J. Morrison
Kansas Attorney General

By:



Alma A. Heckler, #11555
Assistant Attorney General